685 If no one agrees to pay for the thief, the latter is led before the Mwami who asks one of the notables who is present to redeem him, in consideration of which the thief discharges his debt by working for this chief.

The Mututsi who steals a head of cattle is sentenced to ordinary punishments. During Mwami Rwabugiri's time, the thief might even have been condemned to death.

The receiver of stolen cattle is punished like the thief; sometimes he may also be deprived of his entire herd.

The obligation provided by customary law to restore what is stolen and in addition to pay the y'ichyuho and the inguramaboko is intended not only to repair the damage done, but also to severely punish the delinquent in order to inspire a salutary fear in him.

In the past, a chief might frequently have raided entire herds. He could be sentenced by the Mwami to return what he had taken and in addition to give to the man he had robbed several heads of cattle. The thief was also sometimes dispossessed of all his property. Unfortunately if the thief was a relative or friend of the Mwami, the theft often remained unpunished.

Formerly, one who stole a cow belonging to the Mwami's inyambo herds was condemned to be impaled.

Similarly, a cattle thief caught for the third time lost not only all that he possessed but was often condemned to death.

[111] 3. Fires

An incendiary (utwika) after being well beaten must restore the value of what he has destroyed; rugo, objects, provisions, etc. Otherwise he is dispossessed of his own rugo and all its contents for the benefit of the victim of the fire. If the fire is unintentional its author is only condemned to pay damages.

4. Blows and Wounds

683 If the blows administered result in wounds, the assaulter is condemned only to a fine (ichyiru), the amount of which varies with the rank of the victim. Thus an ordinary Muhutu messenger or an umugaragu of the Mwami may receive a whole herd. Usually if a

683 Muhutu has been wounded he receives the indwaza (lit., who cares for) indemnity consisting of one or two goats. If the author of the blows is a Mututsi, he must lend a cow to the Muhutu so that he can have its milk for as long as there is any; the Muhutu gets the full ownership of a bull calf when he returns the cow.

5. Murder

682 Murder cases were under the exclusive jurisdiction of the Mwami at the time when he had the right of life and death over his subjects (1).

1. Cf. Government and Administration, Royal Power, p. 74, note 1.

682 If the murderer (gatozi) and his victim belonged to the same
6% social class, the king ordered the exercise of private vengeance
628 (guhora, to avenge; kwikorera, to avenge one's self), which resulted in endless conflicts between families and clans. The Mwami, however, could throw on the murderer, the full responsibility of his deed, and the relatives of the victim could not then resort to the "vendetta."

682 [112] If the murderer was a Muhutu and the victim a Mututsi, two deaths were exacted.

On the other hand, if a Muhutu had been killed by a Mututsi, recourse to direct vengeance was impossible, but the Mwami could turn over a member of the Mututsi's family to the victim's relatives and have him killed. However, if a fairly important Mututsi killed a Muhutu, neither he himself nor his property would be affected. This iniquitous ruling did not rouse the natives' indignations because it conformed with the law of the land and they therefore submitted to it.

The right of pardon did not exist. However, the king could stop the vengeance (gucha inzigo, lit., to cut the vengeance) and offer compensation (wergild) to the family of the dead man; this was when the latter was a Muhutu, as the Batutsi accepted only blood atonement. For the king to agree to recognize the benefit of the compensation to the victim's family, the dead man had

682 obviously to be an important person, such as an umugaragu of the Mwami. In carrying out the sentence, the murderer had to give the victim's parents many heads of cattle, thirty or sometimes even more.

If a person lost his life in a fire started by a malicious person, the guilty party (or one of his family) was punished by having his head cut off by a member of the victim's family.

683 The abalozi (sorcerers) accused of having caused the death of a man by their evil spells were also punished by the death penalty.

696 If the murderer took refuge in the rugo of a chief, he found there inviolable sanctuary. It would have been a lack of respect to authority to kill a man at the chief's home and the administrators of justice might have been put to death for doing so. In such a case the chief himself brought the murderer before the Mwami.

[113] 6. Special Cases

687 Exceptionally serious cases had to be submitted to the Mwami. The crime of lese majesty brought with it, in the recent past, the death penalty to the perpetrator. The Batwa executioners were charged with carrying out the sentence by strangling (guhotora), spearing (gutera inchumu), cudgeling (gukubita inkoni), or killing with an axe (gukubita intorezo). The criminal could also be thrown into a pit located in Bugessera (near Nyanza) after having been strangled (1), or else he was blinded with a hot iron (2).

1. Abanyiginya accused of having plotted against the Mwami were punished in this way.

2. A chief of the neighborhood of Issave called Kayijuka had his eyes burned out for having shown Nyirayuhi, mother of King Musinga, to a missionary. At this time the custom of the country did not allow noble women to be seen by foreigners.

754 the first to be considered responsible if a person becomes sick
791 or dies, if a storm devastates the fields, if the cattle meet with an accident or are attacked by epidemics, when women remain barren, if infants are aborted, if thefts are committed, etc. The abarosi frequently employ poison, which is popular both in Urundi and in Ruanda (No. 48, p. 319), but in most cases they use their magic powers. The abarosi obtain magic power over people or over their cattle and other possessions by appropriating a little piece of a person's body, some hair, the paring of a fingernail, sputum, semen or urine, or some cattle dung, straw from the hut, or soil from the fields. All of these things give the abarosi power over a part of the person's "soul." This explains the great reluctance with which a Murundi, like all East African Negroes, allows a stranger to take pictures of himself, submits to physical measurement, or gives his own name or that of his family. If the medicines and protective amulets prove to be ineffective against the black magic of the abarosi, the umufumu will close in on the malefactor, the umurosi. By inspiration and by questioning his magic rattles and other apparatus, the umufumu's suspicion is directed to certain persons, who in most cases are old women! They are accused,
[695] arrested by the mutwale, and if there is no other proof, the umufumu subjects them to a kind of ordeal in which fire, poison, or boiling water is used. In most cases the verdict is unfavorable to the accused (No. 19, p. 405). In petty cases the person found
[693] guilty receives physical punishment or has to pay a fine; in serious ones they are simply beaten to death and thrown in the bush (see above, p. 97).

791 The umufumu's power of divination may also be directed
789 to other things if the party concerned so desires and is prepared to pay the price. Through special ceremonies the umufumu brings rain to the fields, or if there is too much rain, he may stop it (No. 19, p. 443). For rain-making, which is so important for agriculture, there are special experts, the abavurati. However, their number is decreasing since every failure is severely punished by the batwale (No. 45, 1913), p. 50).

644 the Banyarwanda also practice dismemberment, otherwise known as
681 the "torment of the hundred wounds."
696 First the flesh of the face, arms, calves, back, etc. are cut up in order to make the victim suffer as long as possible. This refinement of cruelty is carried out mainly in vendettas (guhora).

Impalement is reserved for cattle thieves. There is mention of an unfortunate man whose stake threatened to come out through his side. The operation was begun all over again..., but the patient /377/ died long before it was concluded. The most common torture for persons of medium rank consisted in cutting off their hands and feet and leaving them thus on the spot, where they died of cold if the hyenas did not devour them first. Sometimes death lingered for two or three days because the blood had coagulated and the hemorrhage had stopped.

Some of those unfortunate victims would bellow their torment and thirst, dragging themselves wretchedly on knees and elbows and vainly attempting to come near the huts and implore the pity of human beings. Their doleful cries were heard throughout the night.

[687] Fear suppressed pity, for the slightest act of compassion would have been regarded as high treason. Any show of pity or mercy was punishable by death. Execution by club, spear, or billhook blows and the cutting of the carotid artery were regarded as the mildest and quickest methods for victims entitled to a certain consideration. This category included elders, women, former favorites, and certain court employees. Important personages whom one did not wish to "do away with" (gusonga) were often sentenced to lose their eyes.

Before the arrival of the Europeans, hardly a week went by at the capital without a bloody execution. If several weeks elapsed without one, the fact seemed so extraordinary that the following expression was repeated everywhere, "Peace (or calm) reigns at the capital" (N' ubuhoro ibgami).

614 Sorcery was the cause of condemnation most frequently in-
• 683 voked. When people had an enemy and wished for revenge or when they coveted a rich man's possessions and wealth, no great effort of the imagination /378/ was needed on their part to prove the culpability of the man whose death they desired. When a man was led before

644 the king following such a denunciation, the sentence was swiftly
683 pronounced. "Nakukijije (You are pardoned)," said the king, if the accused had been so fortunate as to find powerful protectors or to refute peremptorily the accusations of his enemies. "Mumujane ku kivumu (Lead him to the ficus tree)," cried the king to the executioners when the man was condemned.

696 "Come on, we shall pardon you (guino twakukijije)," added the executioners derisively while leading away their prey. The unfortunate creature vainly implored the pity of the king and of the spectators, who just looked away. He was quickly led to a hollow
[152] near the ill-omened ficus tree (ikivumu), where he was to suffer the prescribed punishment under the eyes of the crowd, who loved to
[541] attend those dreadful spectacles (1). The moans, complaints, cries,

1. Capital punishment drew large crowds filled with morbid curiosity and avid for cruel emotions.

and howls of the tormented victims did not stop the executioners from pursuing their deadly task to the end. The sufferings of the condemned persons in no way affected their sensibilities. "Has it been a long time since So-and-So was executed?" they were sometimes asked. "The hyenas have eaten him and even digested him (zamuliye, zamuneye)," they would answer coarsely without changing their tone.

Executioners were seen to prolong the victim's torment for their own gratification, or to lead them to run away by releasing them from their bonds so as to have the pleasure of finishing them on the run. We shall not elaborate on the disgraceful mutilations which those unfortunate individuals were first made to suffer.

686 Many a "rain maker" was killed because he could produce no rain. At times of great drought, those who had the misfortune /379/ of being caught were brought to court. They remained bound for days under the burning rays of the sun, while the populace hurled insults at them.

644 applied to them. They are said to have the power of identifying
756 spell casters and bewitchers and also of expelling from the patient's
791 body whatever is claimed to have caused the illness, poisoning, or bewitchment.

The remove the source of evil with a small horn or a gourd
[755] in the guise of a cupping glass, or even with their own mouth, and produce before the bedazzled spectators bones, pebbles, toads, snake heads, and other incredible objects removed with the instrument. The Banyarwanda have boundless faith in the effectiveness of this method and tell of marvelous cures obtained in this fashion.

It is no use trying to reason with them about this. The elders are especially intractable.

791 In order to unmask the jettatori /from Italian/ and other such cronies, our miracle workers (abahuzi) use another horn full of incongruous and even unmentionable things.

Popular belief adds that they set out in the nude, horn in hand. The horn moves and twists about, people say, as if possessed
[683] by an invisible spirit. It leads to the alleged spell casters and bewitchers, who were killed on the spot without furthur ceremony prior to the arrival of the Europeans.

The native Blacks add that ingredients used to bewitch or to produce a spell /395/ were discovered in the same manner, no matter whether they had been buried or hidden in a hut (1).

1. The case is cited of several individuals in whose possession a collection of bones was found, and who confessed of their own accord that they were spell casters and bewitchers. It is possible that those unfortunate people, having fallen prey to autosuggestion, believed in the effectiveness of their baleful activities.

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13. Kajigiri, a Mututsi from the Gissaka country, was first bound. His executioners lifted him several times and dropped him on his head. He was finished off with club blows.

14. Lwamiheto was given numerous blows by club. He was released almost immediately and died three months later of the brutalities he had suffered, according to public opinion.

15. Kayonga and his son, after many vicissitudes, were slain with spear thrusts and thrown into the Ruboneye swamp.

Victims on Other Counts

1. Bigutu and Balikage, the latter a son of Bisango and chief of the Bgishaza provinces, were killed while the court was settled at Kamonyi, after having been accused of opposing the new regime. /483/

2. The great Mututsi /Batutsi/ chief Lutishereka, his sons, and some of his followers had their throats cut while the court sojourned at Mukingo. This was done at the instigation of Luhinankiko, who blamed that high dignitary for inciting one of Lwabugiri's sons to murder his friend Baryinyonza.

3. Serukenyinkware, from the Mututsi /Batutsi/ clan of the Bachumbi, was accused of the same crime. He was cut to pieces while the court was staying at Mwima.

[685] 4. Three employees of the court, at Nyanza, were caught killing a cow which they had stolen from the king.

They were condemned to death by spearing, and they made it a point of honor not to utter the slightest cry of pain.

5. A young Mututsi, after being bound and beaten with rods all through the day, was dragged still alive by the feet, into the swamp, where he was finished off by the Batwa.

● [683] 6. Two inhabitants of the village of Musumba (Nduga), named Lukesha and Lugingabahizi, had their hands and feet cut off for a crime of bewitchment. The two poor devils were held responsible because Lwibishenga, a brother of the queen mother, had almost lost his sight as a result of yaws.

7. Two Bahutu were shot point blank in the palace courtyard for a crime of espionage.

[81] 696 644 8. A slave (umuja) was struck down along the road at night after she had been advised to leave court and seek her fortune elsewhere. She was punished for not having watched closely enough over the moral behavior of two young princesses of royal blood.

9. Luhinankiko, a son of Queen Mother Nyirayuhi, was stripped of his property for having had Lutishereka killed. He even had to flee to Urundi, where he spent some 15 years.

Since Kabale, the regent, could not take his revenge upon him as he would have wished, he turned upon his friends and followers. /484/

Chaka, who was Luhinankiko's son-in-law, and Sebuharara and Rulinda, who were his protegés, were attacked in the Buganza by the men of the powerful minister. Defeated and unable to flee, they shut themselves up in a hut, set fire to it, and perished in the flames.

Kaningo, who belonged to their faction, was stripped of his property. On the point of being caught and knowing what awaited him at the capital, he also burned himself in his hut.

[83] 10. The Banyarwanda still remember the corporal punishment inflicted upon the six "poisoners" (1) led to Nyanza by chief Kanuma.

> 1. This is how the individuals suspected of the alleged crime of bewitching are designated.

These unfortunate persons had their hands and feet cut off.

11. Nyantanyi, son of Semakamba, as surrendered by Musinga to Gashamura, son of Lukagirashamba. Lwamwa, one of the latter's sons, had been killed at Ndolandi, a land he wished to conquer, by Nyantanyi's men. His relatives, the Batsobe, complained to the king, who gave them satisfaction by handing the local chief over to them.

Nyantanyi was bound and led outside the palace by Gashamura and his followers. Lwamwa's son stabbed him first in the side with a spear, and almost immediately 20 or 30 spear thrusts laid him low. [628] His head and right hand were cut off to be shown to the other followers, as was done in vendettas. One detail is to be noted: Gashamura was Nyantanyi's uncle by marriage and his father-in-law.

7: Roscoe M-5 (1919-1920) 1924
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might put the other to death without fear of punishment, for the witnesses would state the reason for his action and he would not suffer for it.

When a murder was committed secretly and the body was found without any trace of the murderer, it caused much difficulty. The relatives had to inform the chief of anything they knew concerning the relations of the dead man with the people of the district. Any person with whom the dead man had had a quarrel or disagreement was captured, and a priest killed a fowl and took an augury in order to find out whether he was guilty or not. Should the augury be in the suspected man's favour he was released, and some other magical means of finding the murderer were tried.

Sometimes a murderer would confess his deed to the king or chiefs and notify his desire to atone. The family of the murdered man were called to a meeting and the murderer had to supply a sheep. The king was present at the meeting and ordered the animal to be killed and cut open, after which the murderer and the head-man of the murdered man's clan placed their hands on the entrails. Portions of every kind of food used by the people were brought and placed in the sheep with purificatory herbs, and again the two men placed their hands in it. The sheep was then called *Maana* or god and was the pledge of peace. Some clans, however, refused to make peace with a murderer and awaited an opportunity of killing either the criminal or some member of his clan.

When a man killed another accidentally and succeeded in proving that there was no malice or intention about the act, he paid fourteen cows to the family of the dead man, with whom he remained on friendly terms. If a man wounded another he paid him eight cows as compensation.

When a warrior killed a man in battle, the king and chiefs honoured him and gave him presents of land and cattle. Sometimes when the king was specially pleased, he would give a warrior a princess to wife. The warrior had to be purified on his return from the battle, but observed no other taboo.

7:Roscoe M-5 (1919-1920) 1924
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be consummated until he had gone. The rest of the bride's party left on the second day, after receiving presents.

A son-in-law did not fear his wife's parents, but was regarded and treated by them as a son.

A man might marry as many as five wives, but he brought only one of them to live in his own village; for the others he built houses in their villages and visited them there. If he was wealthy, which was usually the condition of a man who married more than one wife, he gave each of them cows to supply her with milk, a man to herd them, men to dig her field, and also maids to wait upon her and work in her field.

A wife was usually restricted to her husband in sexual intercourse, but when a great friend of the husband paid him a visit he might permit him to live with one of his wives who acted as the visitor's wife for the time. It was, however, more usual for a guest to go to another house with his own wife, or for the host and his wife to sleep on a mat on the floor and leave the bed to the guest and his wife.

Illness and Death

When a man fell ill, his wife informed his relatives and a medicine-man was summoned to discover by augury whether magic was being used or whether the illness was the work of some ghost. If magic was found to be the cause of the illness, the name of the person using it had also to be discovered by augury, and he was accused and brought before the king or some chief to be tried. Invariably a man who had been discovered by augury to be guilty was condemned without question; he might appeal to the poison ordeal, but he had very little chance of escape, and was always put to death. If the augury showed the illness to be due to a ghost, a bull was offered to the ghost and it was begged to stop troubling the man.

Before a man died he generally named his heir, who was usually one of his sons, though not necessarily so and not always the eldest son. If a man died without having named